

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: COMPLAINT OF HORN MEMORIAL HOSPITAL	DOCKET NO. FCU-2014-0014
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ORDER GRANTING REQUEST FOR EXTENSION IN THIS DOCKET

(Issued September 21, 2015)

On March 12, 2015, the undersigned administrative law judge issued an order in this case that set a deadline of September 15, 2015, for the parties to file a status report informing the Utilities Board (Board) whether Horn Memorial Hospital had experienced any call completion problems since the date of the order, the status of the parties' investigation and discovery, whether the parties are ready to establish a procedural schedule, and whether the parties have reached a resolution regarding the case.

On September 15, 2015, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a response to the order and requested an extension of 30 days, until October 15, 2015, to file the status report. The Consumer Advocate stated it has been involved in settlement discussions in this and other call completion cases that include several of the same parties to this proceeding.¹ The Consumer Advocate noted it had participated in the August 26, 2015, in-person prehearing conference regarding the other listed call completion cases and that the

¹ The other call completion cases referenced by the Consumer Advocate included Docket Nos. FCU-2012-0019, FCU-2013-0004, FCU-2013-0005, FCU-2013-0006, FCU-2013-0007, and FCU-2013-0009.

undersigned gave the parties in those cases until September 30, 2015, to file proposed settlement agreements, statements they could not reach settlements, or requests for a short delay if such delay would be productive. The Consumer Advocate stated it would be more efficient and productive for all parties to report on the status of this case after they have had a chance to fully explore settlement. Frontier Communications of Iowa, Inc. (Frontier); Impact Telecom, Inc. (Impact); Level 3 Communications, LLC (Level 3); Long Lines Metro, Inc.; and Horn Memorial Hospital do not object to this request. The Consumer Advocate had not confirmed whether Iowa Network Services (INS) objects to the request and stated it would file an update after confirming INS' position. As of the date of this order, no update has been filed.

The request is reasonable and should be granted. There is no need for a telephone prehearing conference in this docket prior to October 15, 2015.

In paragraph four of the request for an extension, the Consumer Advocate stated it requested an extension of 30 days, until October 15, 2015, to continue settlement discussions regarding "both this case and the above-listed call completion cases." From this language, it is not clear whether the Consumer Advocate's request for an extension relates to the other listed call completion cases as well as this particular docket. The request does not include the other docket numbers in the heading, some parties in the other cases are not listed, the Consumer Advocate's attorney for the other cases is different from the attorney in this case, and a request for a 30-day extension in the other cases would be until October 30, 2015.

Therefore, the undersigned assumes the request for extension relates only to this particular docket.

IT IS THEREFORE ORDERED:

1. On or before October 15, 2015, the parties must file a status report informing the Board of the status of their investigation and discovery, whether they are ready to establish a procedural schedule for the case, and whether they have reached a resolution regarding the case. If the parties are ready to establish a procedural schedule, the report should inform the Board of their recommendations regarding the appropriate procedural steps to be followed. If the parties have reached a resolution of the case, they must file a proposed settlement agreement for approval. In any case, the status report must state whether Horn Memorial Hospital has experienced any call completion problems since the date of the March 12, 2015, order, and if it has, what was done to investigate and solve the problems. The parties must include three mutually agreeable dates and times for a telephone prehearing conference in their report.

2. Once the report is filed, an order will be issued setting the date and time for the next telephone prehearing conference.

UTILITIES BOARD

/s/ Amy L. Christensen

Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Trisha M. Quijano

Executive Secretary, Designee

Dated at Des Moines, Iowa, this 21st day of September 2015.